

REMARKS

This paper is in response to the Office Action of December 1, 2005. The due date for response extends to March 1, 2006. The Office Action has been received and its contents carefully considered. Reconsideration of the application in view of the following comments is respectfully requested.

Claim Rejection - 35 U.S.C. §103

With respect to paragraphs 1-3 of the Office Action, claims 1, 3, 10, 12, 13 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Doke (Patent No. US 5,315,380) in view of Cheng (Patent No. US 6,457,955).

Of the rejected claims, only claims 1 and 10 are independent.

Before proceeding further, the Office is kindly and respectfully reminded that MPEP §2143.03 advises (emphasis added) that:

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (MPEP §2143.03)

The present claim 1 recites a heat dissipation module. The heat dissipation module comprises a fan and a heat sink. The fan has a shaft with a first end and an opposite second end. The first end of the shaft *penetrates* a hub of the fan and *connects* to a heating element. The heat sink *connects* to the second end of the shaft. The shaft is made from materials with high thermal conductivity. That is, the shaft *passes through* the hub of the fan, and *links* the heating element *with* the heat sink by its two opposite ends *respectively*.

The present claim 10 recites a heat dissipation module. The heat dissipation module comprises a shaft, a stator assembly, a rotor and a heat sink. The shaft, which is made from materials with high thermal conductivity, has a *first end* connecting to a heating element and an *opposite second end*. The stator assembly is *fixed* on the shaft. The rotor is *pivottally joined* to the shaft and kept a fixed distance from the stator assembly through magnetic interaction. The heat sink is connected to the second end.

However, Doke discloses a modular thermoelectric assembly (30) having two heat sinks (40) and (50) disposed on opposite sides (the hot plate 36 and the cold plate 38) of a thermoelectric device (32). An electrical motor (60), which is preferably secured to the heat sink (40), has a rotating shaft (62) extending through the thermoelectric device (32) and two heat sinks (40) and (50). Propellers (64) and (66) are respectively attached to two *opposite ends* of the rotating shaft (62). See col. 3 lin. 57-59, col. 5 lin. 17-27 and Fig. 4 of Doke.

According to the teachings of Cheng, the rotating shaft does **not link** the heating element *with the heat sink or by its two opposite ends respectively*. Therefore, a person of ordinary skill in the art would recognize that both Doke and Cheng fail to teach or suggest that two opposite ends of a **shaft respectively connect to the heat sink and the heating element**, wherein the shaft is made from materials with high thermal conductivity.

In addition, insofar claim 3 depends on claim 1 and claims 12, 13 and 20 depend on claim 10. These claims add further limitations thereto. Thus, claims 3, 12, 13 and 20 of the present application are also novel and unobvious over the prior art of record. Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) should be withdrawn.

Reconsideration and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

With respect to paragraph 4 of the Office Action, claims 2, 4-9, 11 and 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As stated above, the novel features of claims 1 and 10 would not be taught or suggested by the prior art of record, thereby producing new and unexpected results and are hence unobvious and patentable over these references.

All remaining dependent claims add further limitations thereto, and are also novel and unobvious over the prior art of record. Accordingly, the Applicant submits that claims 1-20 be novel and unobvious, and be hence allowable over the prior art of record.

Conclusions

For all of the above reasons, applicants submit that the specification and claims are now in proper form, and that the claims define patentably over prior arts. Therefore applicants respectfully request issuance for this case at the Office Action's earliest convenience.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. JLINP174/TLC). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP


Albert S. Penilla, Esq.
Reg. No. 39,487

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone: (408) 774-6903
Facsimile: (408) 749-6901
Customer No. 25920